THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 24205 of 2006

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking to issue a writ of Habeas Corpus directing the respondents to produce N. Srinivasa rao before this Court and consequently to declare the action of the respondents as opposed to Articles 14, 19 and 21 of the Constitution of India.

It is the case of the petitioner that he is the brother of the alleged detenu; that the police without registering any crime kept his brother by name N. Srinivas in illegal custody and that without any basis the respondents are harassing the alleged detenu and that on 17.11.2006 the police came to his house and forcibly took his brother into custody and his whreabouts are not known and hence this Court may be pleased to issue a writ of Habeas Corpus directing the respondents to produce his brother N. Srinivasa Rao before this Court.

The 2nd respondent – Inspector of Police, Kushaiguda Police Station, Cyberabad Commissionerate filed counter affidavit denying the allegations made in the writ petition. It is further stated in the counter affidavit that the alleged detenu by name N. Srinivas is a rowdy-sheeter of Police Station Kushaiguda and the Rowdy Sheet bearing No. 12 was opened against him on 13.7.2003 and since then a regular watch is being kept on his movements. It is further stated in the counter that the alleged detenu was involved in a murder case vide Cr.No. 221 of 2003 under Sections 147, 148, 307, 302 IPC of Police

Station Kushaiguda and as the police were receiving information from the general public that the alleged detenu is threatening them and creating nuisance in the area, the rowdy sheet is being continued against him and it is renewed up to 31.12.2006. While so, it is stated, that the 2nd respondent visited the house of the alleged detenu on 20.7.2006, 23.8.2006, 14.10.2006 and 15.11.2006 to cause enquiries about the movements of the alleged detenu and on one such visit i.e. on 20.7.2006 he was informed by the brother of the alleged detenu i.e. the petitioner herein that the alleged detenu is working as a car driver at Nacharam, but he did not give the address and the whereabouts of his brother i.e. the alleged detenu herein and as such on the last visit i.e. on 15.11.2006 he informed his brother i.e. the petitioner herein to bring the alleged detenu to the police station to enquire his present whereabouts. It is further stated that despite the same the petitioner did not bring the alleged detenu to the police station, instead approached this Court by filing the present writ petition.

In view of the averments as stated above, this Court is of the considered view that nothing survives for adjudication in this writ petition and accordingly this writ petition is dismissed.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 15-02-2007.

MVB.